

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8526 of 2008

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Surendra Prasad Mahto, aged about 70 years, son of Late Sita Ram Saran,
Resident of village Jamuara, P.S. Tekari, District Gaya, at present resident
of Salora Tanr, P.S. and District Deoghar (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Water Resources Department,
Govt. of Bihar, Patna
2. The Commissioner-cum-Secretary, Water Resources Department, Govt.
of Bihar, Patna
3. The Joint Secretary, Water Resources Department, Govt. of Bihar, Patna
4. The Deputy Secretary, Water Resources Department, Govt. of Bihar,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopi Jha
Mr. Ranjeet Kumar

For the Respondent/s : AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 22-04-2015 Heard learned counsel for the petitioner and learned AC
to GP No. 12.

The petitioner, who retired as an Executive Engineer,
Water Resources Department, Government of Bihar, has
approached this court invoking its writ jurisdiction under Article
226 of the Constitution Of India, in the month of May, 2008 with
a prayer to set aside an order, which was passed long back in the
year 1998 i.e. Annexure – 7 to the writ petition. By the said order
the Government of Bihar after retirement of the petitioner,
exercising power under Rule 139 of the Bihar Pension Rules, 1950
has passed an order for fixing the pension for the first year up to

89% and thereafter, 90%. Meaning thereby, that 10% of the pension of the petitioner has been forfeited on the plea that the petitioner had committed irregularity during his service period and his service was not satisfactory.

Though the order of punishment was passed in the year 1998, after about almost ten years, the petitioner approached this court assailing the said order. Of -course learned counsel for the petitioner tried to justify the reason for delay in approaching this court, the court is not satisfied with such explanation. On the ground that petitioner himself slumbered over his right for several years, the court is of the opinion that in such situation, no relief can be granted to the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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